Mewu

682 Quarrels leading to murder happen more often, according to my interpreter, among the Mewu-Fantzu than among the neighboring Chinese. The Fantzu above all tend to become brutal when they are drunk. Murder also occurs. The motive for murder is either jealousy or covetousness (murder attended with robbery). It also happens that a man shoots another because he honestly believes he has been harmed by him through magic.

682 628 If a murder has been committed, the family of the victim does not relax its efforts until it has revenged itself on the murderer, if possible by killing him. Blood revenge is taken also if murders have been committed in a state of intoxication or if a person suspected of black magic has been murdered. If /82/ blood revenge is not taken, one loses respect. However, blood revenge rarely occurs in actual fact, for the murderer usually flees beyond the borders of the tribal territory, seeking refuge with some other tribe. If the murderer is caught before the victim's family was able to carry out blood revenge, he is first of all soundly thrashed and held captive until he can pay a penalty of 80 yaks. Thereupon he is banished from the tribal territory for four years. There is no death penalty inflicted except by the clan of the blood avengers. The property of the murderer is seized if he was captured or if he escaped. Blood revenge is not considered murder and is not punished. The custom of blood revenge among the Mewu-Fantzu is thus already very much mitigated. It seems to be largely replaced by an indemnity in the form of yaks. For example, if a member of a ts'aowa group kills a member of another group, the two ts'aowa chieftains decide on the indemnity, which is usually a penalty of 80 yaks, at least 40 of which must be first-class, the rest can be less good. If the relatives of the murderer cannot meet the payment in full, the entire ts'aowa group to which the murderer belongs must make up the rest.

421 233 Foremost among the property rights of the nomads is, of course, the question of the right to pasturelands. The pastureland is divided among the individual tent communities by the t'ou-mu. The land used for planting oats near the winter pastures is divided among the individual families. There is enough land for planting oats, and everyone can cultivate as much as he needs for his stock. The t'ou-mu divides the various families into tent communities. The lamaseries have their own pastures for yaks; they do not raise sheep. The boundaries of the pasturelands of individual tent communities must be respected just as strictly as those of the entire

tribe. There /83/ are also fixed rules about the use of pastures during the various seasons (first and second summer pasture and winter pasture). The tent communities do not quarrel about pasture-lands. Violating regulations with regard to pastureland is punished by the t'ou-mu with a fine which must be paid in butter. For every yak that breaks out beyond the boundaries of the pasture its owner must pay two chin of butter. 421 233

There seems to be no particular hunting rights, but the t'ou-mu has the authority to forbid hunting under certain circumstances. Thus, for example, during my stay among the Mewu-Fantzu, the shooting of groundhogs was forbidden for definite reasons. In such cases hunting rights are not granted even for money. If a person is caught violating the rules, he is first beaten and then required to pay a fine. 421 324

There are no sales transactions involving legal contracts. Stock is sold by the head. The Fantzu are very adroit traders; there are usually no disputes in business deals. 432

Judicial authority is only theoretically in the hands of the Chinese district administration; in practice it is left to the Fantzu themselves. The Chinese court does not prosecute punishable actions of the Fantzu. Even when a Fantzu has wronged a Chinese, he is not prosecuted directly by a Chinese court, but at the proposal of the district official by the t'ou-mu who, as we have said above, is the superior judge. It is only when very influential Chinese have been robbed that the Chinese authorities send out a military posse. The Chinese for their part do not dare harm the Fantzu, for fear of their revenge. They are glad when the Fantzu leave them alone. Two years ago (1934) Chinese soldiers killed seven or eight Fantzu, whereupon the t'ou-mu immediately sent out his warriors to pursue the Chinese. However, there was no incident because a Mohammedan /84/ officer acted as mediator. A fine of $100 was demanded for each man slain. The incident shows that the Mohammedan played a neutral, respected role between Fantzu and Chinese. 692 663

The t'ou-mu can prosecute a crime only if it takes place within the territory of his tribe. If the criminal escapes into another territory, he can pursue him only as far as the border. 692

The councils of the ts'aowa groups enjoy about the same authority as the t'ou-mu. Their task is a little more arduous since in judicial cases and the pursuit of a criminal, they are appealed to first. The ts'aowa council, however, is required to ask the t'ou-mu for permission to pursue a criminal. As a rule t'ou-mu and ts'aowa work together in such cases.